

# EXHIBIT D

**From:** [Triana, Marcelo](#)  
**To:** ["Michael Sweet"](#); [Roopal Luhana](#)  
**Cc:** [Sarah London](#); [Smith, Kyle](#); [Luskey, Randy](#); [Wolf, Marc Price](#); [Rachel Abrams](#); [Meredith Stratigopoulos](#); [Sara Peters](#); [Grusauskas, Caitlin E](#); [Polsky, Alexander B](#); [Keller, Andrea M](#); [Marlene Goldenberg](#); [Bret Stanley](#); [Layne Hilton](#); [Murray, Louis](#)  
**Subject:** RE: Uber MDL 3084 - Meet and confers Uber  
**Date:** Tuesday, February 6, 2024 10:42:14 PM  
**Attachments:** [2023.12.05 - Email from Uber to JCCP Counsel re ESI Protocol -- Google Drive Links.pdf](#)

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Counsel,

We do not consent to plaintiffs recording the call with Lighthouse. Lighthouse will not be providing a “demonstration,” but its representatives are making themselves available to answer questions that Plaintiffs’ counsel (and Mr. Forrest, as Plaintiffs’ e-discovery consultant) may have regarding the Google parser tool, as Mr. Forrest had the opportunity to do, in his capacity as e-discovery consultant to the JCCP plaintiffs, in a similar call we had with Lighthouse in the JCCP matter on January 9.

As previously discussed, while there is no extant “documentation” describing Lighthouse’s proprietary Google parser tool, we are attaching the email that we sent counsel for the JCCP plaintiffs in response to their identical request for a written description. We expect that Mr. Forrest likely has already seen this, but are happy to provide it to the rest of you as well.

Regards,

**Marcelo A. Triana** | Associate  
**Paul, Weiss, Rifkind, Wharton & Garrison LLP**  
1285 Avenue of the Americas | New York, NY 10019-6064  
+1 212 373 3386 (Direct Phone) | +1 212 492 0386 (Direct Fax)  
[mtriana@paulweiss.com](mailto:mtriana@paulweiss.com) | [www.paulweiss.com](http://www.paulweiss.com)  
*Pronouns: He/Him*

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**From:** Michael Sweet <[sweet@chaffinluhana.com](mailto:sweet@chaffinluhana.com)>  
**Sent:** Tuesday, February 6, 2024 8:00 PM  
**To:** Triana, Marcelo <[mtriana@paulweiss.com](mailto:mtriana@paulweiss.com)>; Roopal Luhana <[Luhana@chaffinluhana.com](mailto:Luhana@chaffinluhana.com)>  
**Cc:** Sarah London <[slondon@lchb.com](mailto:slondon@lchb.com)>; Smith, Kyle <[ksmith@paulweiss.com](mailto:ksmith@paulweiss.com)>; Luskey, Randy <[rluskey@paulweiss.com](mailto:rluskey@paulweiss.com)>; Wolf, Marc Price <[mpricewolf@paulweiss.com](mailto:mpricewolf@paulweiss.com)>; Rachel Abrams <[rabrabs@peifferwolf.com](mailto:rabrabs@peifferwolf.com)>; Meredith Stratigopoulos <[mdrukker@wattsguerra.com](mailto:mdrukker@wattsguerra.com)>; Sara Peters <[speters@walkuplawoffice.com](mailto:speters@walkuplawoffice.com)>; Grusauskas, Caitlin E <[cgrusauskas@paulweiss.com](mailto:cgrusauskas@paulweiss.com)>; Polsky, Alexander B <[apolsky@paulweiss.com](mailto:apolsky@paulweiss.com)>; Keller, Andrea M <[akeller@paulweiss.com](mailto:akeller@paulweiss.com)>; Marlene Goldenberg <[mgoldenberg@nighgoldenbergs.com](mailto:mgoldenberg@nighgoldenbergs.com)>; Bret Stanley <[bstanley@pulaskilawfirm.com](mailto:bstanley@pulaskilawfirm.com)>; Layne Hilton <[lhilton@meyerwilson.com](mailto:lhilton@meyerwilson.com)>  
**Subject:** Re: Uber MDL 3084 - Meet and confers Uber

Counsel,

Thank you. Will the demonstration and call re Lighthouse be recorded? If not, is there any objection to such?

Thank you.

Michael

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**From:** Triana, Marcelo <[mtriana@paulweiss.com](mailto:mtriana@paulweiss.com)>  
**Sent:** Tuesday, February 6, 2024 12:11 PM  
**To:** Michael Sweet <[sweet@chaffinluhana.com](mailto:sweet@chaffinluhana.com)>; Roopal Luhana <[Luhana@chaffinluhana.com](mailto:Luhana@chaffinluhana.com)>  
**Cc:** Sarah London <[slondon@lchb.com](mailto:slondon@lchb.com)>; Smith, Kyle <[ksmith@paulweiss.com](mailto:ksmith@paulweiss.com)>; Luskey, Randy <[rnluskey@paulweiss.com](mailto:rnluskey@paulweiss.com)>; Wolf, Marc Price <[mpricewolf@paulweiss.com](mailto:mpricewolf@paulweiss.com)>; Rachel Abrams <[crabrams@peifferwolf.com](mailto:crabrams@peifferwolf.com)>; Meredith Stratigopoulos <[mdrukker@wattsguerra.com](mailto:mdrukker@wattsguerra.com)>; Sara Peters <[speters@walkuplawoffice.com](mailto:speters@walkuplawoffice.com)>; Grusauskas, Caitlin E <[cgrusauskas@paulweiss.com](mailto:cgrusauskas@paulweiss.com)>; Polsky, Alexander B <[apolsky@paulweiss.com](mailto:apolsky@paulweiss.com)>; Keller, Andrea M <[akeller@paulweiss.com](mailto:akeller@paulweiss.com)>; Marlene Goldenberg <[mgoldenberg@nighgoldenbergs.com](mailto:mgoldenberg@nighgoldenbergs.com)>; Bret Stanley <[bstanley@pulaskilawfirm.com](mailto:bstanley@pulaskilawfirm.com)>; Layne Hilton <[lhilton@meyerwilson.com](mailto:lhilton@meyerwilson.com)>  
**Subject:** RE: Uber MDL 3084 - Meet and confers Uber

Counsel,

We are available on Wednesday at 3pm ET. We will send an invite shortly.

**Marcelo A. Triana** | Associate  
**Paul, Weiss, Rifkind, Wharton & Garrison LLP**  
1285 Avenue of the Americas | New York, NY 10019-6064  
+1 212 373 3386 (Direct Phone) | +1 212 492 0386 (Direct Fax)  
[mtriana@paulweiss.com](mailto:mtriana@paulweiss.com) | [www.paulweiss.com](http://www.paulweiss.com)  
*Pronouns: He/Him*

---

**From:** Michael Sweet <[sweet@chaffinluhana.com](mailto:sweet@chaffinluhana.com)>  
**Sent:** Tuesday, February 6, 2024 10:46 AM  
**To:** Triana, Marcelo <[mtriana@paulweiss.com](mailto:mtriana@paulweiss.com)>; Roopal Luhana <[Luhana@chaffinluhana.com](mailto:Luhana@chaffinluhana.com)>  
**Cc:** Sarah London <[slondon@lchb.com](mailto:slondon@lchb.com)>; Smith, Kyle <[ksmith@paulweiss.com](mailto:ksmith@paulweiss.com)>; Luskey, Randy <[rnluskey@paulweiss.com](mailto:rnluskey@paulweiss.com)>; Wolf, Marc Price <[mpricewolf@paulweiss.com](mailto:mpricewolf@paulweiss.com)>; Rachel Abrams <[crabrams@peifferwolf.com](mailto:crabrams@peifferwolf.com)>; Meredith Stratigopoulos <[mdrukker@wattsguerra.com](mailto:mdrukker@wattsguerra.com)>; Sara Peters <[speters@walkuplawoffice.com](mailto:speters@walkuplawoffice.com)>; Grusauskas, Caitlin E <[cgrusauskas@paulweiss.com](mailto:cgrusauskas@paulweiss.com)>; Polsky, Alexander B <[apolsky@paulweiss.com](mailto:apolsky@paulweiss.com)>; Keller, Andrea M <[akeller@paulweiss.com](mailto:akeller@paulweiss.com)>; Marlene Goldenberg <[mgoldenberg@nighgoldenbergs.com](mailto:mgoldenberg@nighgoldenbergs.com)>; Bret Stanley <[bstanley@pulaskilawfirm.com](mailto:bstanley@pulaskilawfirm.com)>; Layne Hilton <[lhilton@meyerwilson.com](mailto:lhilton@meyerwilson.com)>  
**Subject:** Re: Uber MDL 3084 - Meet and confers Uber

Counsel,

Thank you for your email and comments. 5:00-6:00pm ET is not feasible for us. Would 3:00pm ET Wednesday, February 7 work for Defendants?

Thank you!

Michael

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**From:** Triana, Marcelo <[mtriana@paulweiss.com](mailto:mtriana@paulweiss.com)>  
**Sent:** Tuesday, February 6, 2024 10:31 AM  
**To:** Michael Sweet <[sweet@chaffinluhana.com](mailto:sweet@chaffinluhana.com)>; Roopal Luhana <[Luhana@chaffinluhana.com](mailto:Luhana@chaffinluhana.com)>  
**Cc:** Sarah London <[slondon@lchb.com](mailto:slondon@lchb.com)>; Smith, Kyle <[ksmith@paulweiss.com](mailto:ksmith@paulweiss.com)>; Luskey, Randy <[rlauskey@paulweiss.com](mailto:rlauskey@paulweiss.com)>; Wolf, Marc Price <[mpricewolf@paulweiss.com](mailto:mpricewolf@paulweiss.com)>; Rachel Abrams <[rabrams@peifferwolf.com](mailto:rabrams@peifferwolf.com)>; Meredith Stratigopoulos <[mdrukker@wattsguerra.com](mailto:mdrukker@wattsguerra.com)>; Sara Peters <[speters@walkuplawoffice.com](mailto:speters@walkuplawoffice.com)>; Grusauskas, Caitlin E <[cgrusauskas@paulweiss.com](mailto:cgrusauskas@paulweiss.com)>; Polsky, Alexander B <[apolsky@paulweiss.com](mailto:apolsky@paulweiss.com)>; Keller, Andrea M <[akeller@paulweiss.com](mailto:akeller@paulweiss.com)>; Marlene Goldenberg <[mgoldenberg@nighgoldenbergs.com](mailto:mgoldenberg@nighgoldenbergs.com)>; Bret Stanley <[bstanley@pulaskilawfirm.com](mailto:bstanley@pulaskilawfirm.com)>; Layne Hilton <[lhilton@meyerwilson.com](mailto:lhilton@meyerwilson.com)>  
**Subject:** RE: Uber MDL 3084 - Meet and confers Uber

Counsel,

Attached is our markup of the draft ESI protocol that Plaintiffs sent on February 1, 2024. In several places, it was difficult to identify what specific provisions Plaintiffs' comment bubbles were referring to, but we attempted to address Plaintiffs' comments and edits.

Please let us know if Plaintiffs are available to meet and confer today at 5-6pm ET.

Regards,

**Marcelo A. Triana** | Associate  
**Paul, Weiss, Rifkind, Wharton & Garrison LLP**  
1285 Avenue of the Americas | New York, NY 10019-6064  
+1 212 373 3386 (Direct Phone) | +1 212 492 0386 (Direct Fax)  
[mtriana@paulweiss.com](mailto:mtriana@paulweiss.com) | [www.paulweiss.com](http://www.paulweiss.com)  
*Pronouns: He/Him*

---

**From:** Triana, Marcelo  
**Sent:** Monday, February 5, 2024 7:02 PM  
**To:** 'Michael Sweet' <[sweet@chaffinluhana.com](mailto:sweet@chaffinluhana.com)>; Roopal Luhana <[Luhana@chaffinluhana.com](mailto:Luhana@chaffinluhana.com)>  
**Cc:** Sarah London <[slondon@lchb.com](mailto:slondon@lchb.com)>; Smith, Kyle <[ksmith@paulweiss.com](mailto:ksmith@paulweiss.com)>; Luskey, Randy <[rlauskey@paulweiss.com](mailto:rlauskey@paulweiss.com)>; Wolf, Marc Price <[mpricewolf@paulweiss.com](mailto:mpricewolf@paulweiss.com)>; Rachel Abrams <[rabrams@peifferwolf.com](mailto:rabrams@peifferwolf.com)>; Meredith Stratigopoulos <[mdrukker@wattsguerra.com](mailto:mdrukker@wattsguerra.com)>; Sara Peters <[speters@walkuplawoffice.com](mailto:speters@walkuplawoffice.com)>; Grusauskas, Caitlin E <[cgrusauskas@paulweiss.com](mailto:cgrusauskas@paulweiss.com)>; Polsky, Alexander B <[apolsky@paulweiss.com](mailto:apolsky@paulweiss.com)>; Keller, Andrea M <[akeller@paulweiss.com](mailto:akeller@paulweiss.com)>; Marlene Goldenberg <[mgoldenberg@nighgoldenbergs.com](mailto:mgoldenberg@nighgoldenbergs.com)>; Bret Stanley <[bstanley@pulaskilawfirm.com](mailto:bstanley@pulaskilawfirm.com)>; Layne Hilton <[lhilton@meyerwilson.com](mailto:lhilton@meyerwilson.com)>  
**Subject:** RE: Uber MDL 3084 - Meet and confers Uber

Counsel,

We are unavailable at 3pm on Tuesday for a meet and confer. Are Plaintiffs instead available from 5-

6pm ET on Tuesday?

Regards

**Marcelo A. Triana** | Associate

**Paul, Weiss, Rifkind, Wharton & Garrison LLP**

1285 Avenue of the Americas | New York, NY 10019-6064  
+1 212 373 3386 (Direct Phone) | +1 212 492 0386 (Direct Fax)  
[mtriana@paulweiss.com](mailto:mtriana@paulweiss.com) | [www.paulweiss.com](http://www.paulweiss.com)  
Pronouns: He/Him

---

**From:** Michael Sweet <[sweet@chaffinluhana.com](mailto:sweet@chaffinluhana.com)>

**Sent:** Monday, February 5, 2024 2:09 PM

**To:** Triana, Marcelo <[mtriana@paulweiss.com](mailto:mtriana@paulweiss.com)>; Roopal Luhana <[Luhana@chaffinluhana.com](mailto:Luhana@chaffinluhana.com)>

**Cc:** Sarah London <[slondon@lchb.com](mailto:slondon@lchb.com)>; Smith, Kyle <[ksmith@paulweiss.com](mailto:ksmith@paulweiss.com)>; Luskey, Randy <[rlauskey@paulweiss.com](mailto:rlauskey@paulweiss.com)>; Wolf, Marc Price <[mpricewolf@paulweiss.com](mailto:mpricewolf@paulweiss.com)>; Rachel Abrams <[rabrams@peifferwolf.com](mailto:rabrams@peifferwolf.com)>; Meredith Stratigopoulos <[mdrukker@wattsguerra.com](mailto:mdrukker@wattsguerra.com)>; Sara Peters <[speters@walkuplawoffice.com](mailto:speters@walkuplawoffice.com)>; Grusauskas, Caitlin E <[cgrusauskas@paulweiss.com](mailto:cgrusauskas@paulweiss.com)>; Polsky, Alexander B <[apolsky@paulweiss.com](mailto:apolsky@paulweiss.com)>; Keller, Andrea M <[akeller@paulweiss.com](mailto:akeller@paulweiss.com)>; Marlene Goldenberg <[mgoldenberg@nighgoldenbergs.com](mailto:mgoldenberg@nighgoldenbergs.com)>; Bret Stanley <[bstanley@pulaskilawfirm.com](mailto:bstanley@pulaskilawfirm.com)>; Layne Hilton <[lhilton@meyerwilson.com](mailto:lhilton@meyerwilson.com)>

**Subject:** Re: Uber MDL 3084 - Meet and confers Uber

Counsel,

Thank you for your email. Wednesday, February 7 at 2pm ET works for the Lighthouse meeting.

However, 1:00pm ET on Tuesday, February 6 does not work for us. Does 3:00pm ET on Tuesday, February 6 work for defendants to meet and confer?

Thank you.

Michael

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**From:** Triana, Marcelo <[mtriana@paulweiss.com](mailto:mtriana@paulweiss.com)>

**Sent:** Monday, February 5, 2024 11:18 AM

**To:** Michael Sweet <[sweet@chaffinluhana.com](mailto:sweet@chaffinluhana.com)>; Roopal Luhana <[Luhana@chaffinluhana.com](mailto:Luhana@chaffinluhana.com)>

**Cc:** Sarah London <[slondon@lchb.com](mailto:slondon@lchb.com)>; Smith, Kyle <[ksmith@paulweiss.com](mailto:ksmith@paulweiss.com)>; Luskey, Randy <[rlauskey@paulweiss.com](mailto:rlauskey@paulweiss.com)>; Wolf, Marc Price <[mpricewolf@paulweiss.com](mailto:mpricewolf@paulweiss.com)>; Rachel Abrams <[rabrams@peifferwolf.com](mailto:rabrams@peifferwolf.com)>; Meredith Stratigopoulos <[mdrukker@wattsguerra.com](mailto:mdrukker@wattsguerra.com)>; Sara Peters <[speters@walkuplawoffice.com](mailto:speters@walkuplawoffice.com)>; Grusauskas, Caitlin E <[cgrusauskas@paulweiss.com](mailto:cgrusauskas@paulweiss.com)>; Polsky, Alexander B <[apolsky@paulweiss.com](mailto:apolsky@paulweiss.com)>; Keller, Andrea M <[akeller@paulweiss.com](mailto:akeller@paulweiss.com)>; Marlene Goldenberg <[mgoldenberg@nighgoldenbergs.com](mailto:mgoldenberg@nighgoldenbergs.com)>; Bret Stanley <[bstanley@pulaskilawfirm.com](mailto:bstanley@pulaskilawfirm.com)>; Layne Hilton <[lhilton@meyerwilson.com](mailto:lhilton@meyerwilson.com)>

**Subject:** RE: Uber MDL 3084 - Meet and confers Uber

Counsel,

We are continuing to review plaintiffs' comments on the ESI protocol (sent on Thursday, January 31). We anticipate sending plaintiffs our comments on plaintiffs' markup by the end of the day today (Monday, February 5). We are available to schedule another meet and confer tomorrow, Tuesday, February 6—we have a conflict at 4pm ET but are available at 1pm ET instead.

Additionally, in response to plaintiffs' request, Lighthouse is available on Wednesday, February 7 at 11am PT / 2pm ET to join a call with Plaintiffs' counsel and Doug Forrest regarding the Google parser tool (as previously discussed on a call with the JCCP plaintiffs on January 9, 2024 that Mr. Forrest participated in).

Please let us know if these times on Tuesday and Wednesday work for Plaintiffs.

Regards,

**Marcelo A. Triana** | Associate

**Paul, Weiss, Rifkind, Wharton & Garrison LLP**

1285 Avenue of the Americas | New York, NY 10019-6064

+1 212 373 3386 (Direct Phone) | +1 212 492 0386 (Direct Fax)

[mtriana@paulweiss.com](mailto:mtriana@paulweiss.com) | [www.paulweiss.com](http://www.paulweiss.com)

Pronouns: He/Him

---

**From:** Michael Sweet <[sweet@chaffinluhana.com](mailto:sweet@chaffinluhana.com)>

**Sent:** Saturday, February 3, 2024 7:45 PM

**To:** Triana, Marcelo <[mtriana@paulweiss.com](mailto:mtriana@paulweiss.com)>; Roopal Luhana <[Luhana@chaffinluhana.com](mailto:Luhana@chaffinluhana.com)>

**Cc:** Sarah London <[slondon@lchb.com](mailto:slondon@lchb.com)>; Smith, Kyle <[ksmith@paulweiss.com](mailto:ksmith@paulweiss.com)>; Luskey, Randy <[rlauskey@paulweiss.com](mailto:rlauskey@paulweiss.com)>; Wolf, Marc Price <[mpricewolf@paulweiss.com](mailto:mpricewolf@paulweiss.com)>; Rachel Abrams <[crabrams@peifferwolf.com](mailto:crabrams@peifferwolf.com)>; Meredith Stratigopoulos <[mdrukker@wattsguerra.com](mailto:mdrukker@wattsguerra.com)>; Sara Peters <[speters@walkuplawoffice.com](mailto:speters@walkuplawoffice.com)>; Grusauskas, Caitlin E <[cgrusauskas@paulweiss.com](mailto:cgrusauskas@paulweiss.com)>; Polsky, Alexander B <[apolsky@paulweiss.com](mailto:apolsky@paulweiss.com)>; Keller, Andrea M <[akeller@paulweiss.com](mailto:akeller@paulweiss.com)>; Marlene Goldenberg <[mgoldenberg@nighgoldenbergs.com](mailto:mgoldenberg@nighgoldenbergs.com)>; Bret Stanley <[bstanley@pulaskilawfirm.com](mailto:bstanley@pulaskilawfirm.com)>; Layne Hilton <[lhilton@meyerwilson.com](mailto:lhilton@meyerwilson.com)>

**Subject:** Re: Uber MDL 3084 - Meet and confers Uber

Counsel,

Is there a timeframe for when we can expect to receive your revisions to the ESI Protocol? Additionally, are you available for a meet and confer at 4:00PM EST Tuesday, February 6th?

Thank you.

Michael

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**From:** Michael Sweet <[sweet@chaffinluhana.com](mailto:sweet@chaffinluhana.com)>

**Sent:** Friday, February 2, 2024 8:57 PM

**To:** Triana, Marcelo <[mtriana@paulweiss.com](mailto:mtriana@paulweiss.com)>; Roopal Luhana <[Luhana@chaffinluhana.com](mailto:Luhana@chaffinluhana.com)>  
**Cc:** Sarah London <[slondon@lchb.com](mailto:slondon@lchb.com)>; Smith, Kyle <[ksmith@paulweiss.com](mailto:ksmith@paulweiss.com)>; Luskey, Randy <[rlauskey@paulweiss.com](mailto:rlauskey@paulweiss.com)>; Wolf, Marc Price <[mpricewolf@paulweiss.com](mailto:mpricewolf@paulweiss.com)>; Rachel Abrams <[rabrams@peifferwolf.com](mailto:rabrams@peifferwolf.com)>; Meredith Stratigopoulos <[mdrukker@wattsguerra.com](mailto:mdrukker@wattsguerra.com)>; Sara Peters <[speters@walkuplawoffice.com](mailto:speters@walkuplawoffice.com)>; Grusauskas, Caitlin E <[cgrusauskas@paulweiss.com](mailto:cgrusauskas@paulweiss.com)>; Polsky, Alexander B <[apolsky@paulweiss.com](mailto:apolsky@paulweiss.com)>; Keller, Andrea M <[akeller@paulweiss.com](mailto:akeller@paulweiss.com)>; Marlene Goldenberg <[mgoldenberg@nighgoldenbergs.com](mailto:mgoldenberg@nighgoldenbergs.com)>; Bret Stanley <[bstanley@pulaskilawfirm.com](mailto:bstanley@pulaskilawfirm.com)>; Layne Hilton <[lhilton@meyerwilson.com](mailto:lhilton@meyerwilson.com)>  
**Subject:** Re: Uber MDL 3084 - Meet and confers Uber

Counsel,

This is acceptable.

Thank you.

Michael

---

**From:** Triana, Marcelo <[mtriana@paulweiss.com](mailto:mtriana@paulweiss.com)>  
**Sent:** Friday, February 2, 2024 7:34 PM  
**To:** Michael Sweet <[sweet@chaffinluhana.com](mailto:sweet@chaffinluhana.com)>; Roopal Luhana <[Luhana@chaffinluhana.com](mailto:Luhana@chaffinluhana.com)>  
**Cc:** Sarah London <[slondon@lchb.com](mailto:slondon@lchb.com)>; Smith, Kyle <[ksmith@paulweiss.com](mailto:ksmith@paulweiss.com)>; Luskey, Randy <[rlauskey@paulweiss.com](mailto:rlauskey@paulweiss.com)>; Wolf, Marc Price <[mpricewolf@paulweiss.com](mailto:mpricewolf@paulweiss.com)>; Rachel Abrams <[rabrams@peifferwolf.com](mailto:rabrams@peifferwolf.com)>; Meredith Stratigopoulos <[mdrukker@wattsguerra.com](mailto:mdrukker@wattsguerra.com)>; Sara Peters <[speters@walkuplawoffice.com](mailto:speters@walkuplawoffice.com)>; Grusauskas, Caitlin E <[cgrusauskas@paulweiss.com](mailto:cgrusauskas@paulweiss.com)>; Polsky, Alexander B <[apolsky@paulweiss.com](mailto:apolsky@paulweiss.com)>; Keller, Andrea M <[akeller@paulweiss.com](mailto:akeller@paulweiss.com)>; Marlene Goldenberg <[mgoldenberg@nighgoldenbergs.com](mailto:mgoldenberg@nighgoldenbergs.com)>; Bret Stanley <[bstanley@pulaskilawfirm.com](mailto:bstanley@pulaskilawfirm.com)>; Layne Hilton <[lhilton@meyerwilson.com](mailto:lhilton@meyerwilson.com)>  
**Subject:** RE: Uber MDL 3084 - Meet and confers Uber

Counsel,

Thank you for getting back to us on the stip. We've accepted those revisions in the attached, and we made an additional revision in track changes. If this looks good to Plaintiffs, we will get the stipulation filed.

Regards,

**Marcelo A. Triana** | Associate  
**Paul, Weiss, Rifkind, Wharton & Garrison LLP**  
1285 Avenue of the Americas | New York, NY 10019-6064  
+1 212 373 3386 (Direct Phone) | +1 212 492 0386 (Direct Fax)  
[mtriana@paulweiss.com](mailto:mtriana@paulweiss.com) | [www.paulweiss.com](http://www.paulweiss.com)  
Pronouns: He/Him

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**From:** Michael Sweet <[sweet@chaffinluhana.com](mailto:sweet@chaffinluhana.com)>  
**Sent:** Friday, February 2, 2024 5:29 PM  
**To:** Triana, Marcelo <[mtriana@paulweiss.com](mailto:mtriana@paulweiss.com)>; Roopal Luhana <[Luhana@chaffinluhana.com](mailto:Luhana@chaffinluhana.com)>  
**Cc:** Sarah London <[slondon@lchb.com](mailto:slondon@lchb.com)>; Smith, Kyle <[ksmith@paulweiss.com](mailto:ksmith@paulweiss.com)>; Luskey, Randy <[rluskey@paulweiss.com](mailto:rluskey@paulweiss.com)>; Wolf, Marc Price <[mpricewolf@paulweiss.com](mailto:mpricewolf@paulweiss.com)>; Rachel Abrams <[rabrams@peifferwolf.com](mailto:rabrams@peifferwolf.com)>; Meredith Stratigopoulos <[mdrukker@wattsguerra.com](mailto:mdrukker@wattsguerra.com)>; Sara Peters <[speters@walkuplawoffice.com](mailto:speters@walkuplawoffice.com)>; Grusauskas, Caitlin E <[cgrusauskas@paulweiss.com](mailto:cgrusauskas@paulweiss.com)>; Polsky, Alexander B <[apolsky@paulweiss.com](mailto:apolsky@paulweiss.com)>; Keller, Andrea M <[akeller@paulweiss.com](mailto:akeller@paulweiss.com)>; Marlene Goldenberg <[mgoldenberg@nighgoldenbergs.com](mailto:mgoldenberg@nighgoldenbergs.com)>; Bret Stanley <[bstanley@pulaskilawfirm.com](mailto:bstanley@pulaskilawfirm.com)>; Layne Hilton <[lhilton@meyerwilson.com](mailto:lhilton@meyerwilson.com)>  
**Subject:** Re: Uber MDL 3084 - Meet and confers Uber

Counsel,

Thank you for following up. Attached please find our redlines to the draft stipulation.

Thank you!

Michael

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**From:** Triana, Marcelo <[mtriana@paulweiss.com](mailto:mtriana@paulweiss.com)>  
**Sent:** Friday, February 2, 2024 12:27 PM  
**To:** Michael Sweet <[sweet@chaffinluhana.com](mailto:sweet@chaffinluhana.com)>; Roopal Luhana <[Luhana@chaffinluhana.com](mailto:Luhana@chaffinluhana.com)>  
**Cc:** Sarah London <[slondon@lchb.com](mailto:slondon@lchb.com)>; Smith, Kyle <[ksmith@paulweiss.com](mailto:ksmith@paulweiss.com)>; Luskey, Randy <[rluskey@paulweiss.com](mailto:rluskey@paulweiss.com)>; Wolf, Marc Price <[mpricewolf@paulweiss.com](mailto:mpricewolf@paulweiss.com)>; Rachel Abrams <[rabrams@peifferwolf.com](mailto:rabrams@peifferwolf.com)>; Meredith Stratigopoulos <[mdrukker@wattsguerra.com](mailto:mdrukker@wattsguerra.com)>; Sara Peters <[speters@walkuplawoffice.com](mailto:speters@walkuplawoffice.com)>; Grusauskas, Caitlin E <[cgrusauskas@paulweiss.com](mailto:cgrusauskas@paulweiss.com)>; Polsky, Alexander B <[apolsky@paulweiss.com](mailto:apolsky@paulweiss.com)>; Keller, Andrea M <[akeller@paulweiss.com](mailto:akeller@paulweiss.com)>; Marlene Goldenberg <[mgoldenberg@nighgoldenbergs.com](mailto:mgoldenberg@nighgoldenbergs.com)>; Bret Stanley <[bstanley@pulaskilawfirm.com](mailto:bstanley@pulaskilawfirm.com)>; Layne Hilton <[lhilton@meyerwilson.com](mailto:lhilton@meyerwilson.com)>  
**Subject:** RE: Uber MDL 3084 - Meet and confers Uber

Counsel,

We're following up on whether plaintiffs have reviewed the draft stipulation and have any comments.

Regards,

**Marcelo A. Triana** | Associate  
**Paul, Weiss, Rifkind, Wharton & Garrison LLP**  
1285 Avenue of the Americas | New York, NY 10019-6064  
+1 212 373 3386 (Direct Phone) | +1 212 492 0386 (Direct Fax)  
[mtriana@paulweiss.com](mailto:mtriana@paulweiss.com) | [www.paulweiss.com](http://www.paulweiss.com)  
Pronouns: He/Him

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**From:** Michael Sweet <[sweet@chaffinluhana.com](mailto:sweet@chaffinluhana.com)>  
**Sent:** Thursday, February 1, 2024 1:54 PM  
**To:** Triana, Marcelo <[mtriana@paulweiss.com](mailto:mtriana@paulweiss.com)>; Roopal Luhana <[Luhana@chaffinluhana.com](mailto:Luhana@chaffinluhana.com)>  
**Cc:** Sarah London <[slondon@lchb.com](mailto:slondon@lchb.com)>; Smith, Kyle <[ksmith@paulweiss.com](mailto:ksmith@paulweiss.com)>; Luskey, Randy <[rlauskey@paulweiss.com](mailto:rlauskey@paulweiss.com)>; Wolf, Marc Price <[mpricewolf@paulweiss.com](mailto:mpricewolf@paulweiss.com)>; Rachel Abrams <[rabrams@peifferwolf.com](mailto:rabrams@peifferwolf.com)>; Meredith Stratigopoulos <[mdrukker@wattsguerra.com](mailto:mdrukker@wattsguerra.com)>; Sara Peters <[speters@walkuplawoffice.com](mailto:speters@walkuplawoffice.com)>; Grusauskas, Caitlin E <[cgrusauskas@paulweiss.com](mailto:cgrusauskas@paulweiss.com)>; Polsky, Alexander B <[apolsky@paulweiss.com](mailto:apolsky@paulweiss.com)>; Keller, Andrea M <[akeller@paulweiss.com](mailto:akeller@paulweiss.com)>; Marlene Goldenberg <[mgoldenberg@nighgoldenbergs.com](mailto:mgoldenberg@nighgoldenbergs.com)>; Bret Stanley <[bstanley@pulaskilawfirm.com](mailto:bstanley@pulaskilawfirm.com)>; Layne Hilton <[lhilton@meyerwilson.com](mailto:lhilton@meyerwilson.com)>  
**Subject:** Re: Uber MDL 3084 - Meet and confers Uber

Counsel,

Thank you. Attached please find our edits/comments to your ESI Protocol redlines. We will review the stipulation and circle back on this.

At this time, Plaintiffs are unaware whether the 3M protocol was mutually agreed-upon or was entered over a party's objection.

Thank you.

Michael

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**From:** Triana, Marcelo <[mtriana@paulweiss.com](mailto:mtriana@paulweiss.com)>  
**Sent:** Thursday, February 1, 2024 11:46 AM  
**To:** Roopal Luhana <[Luhana@chaffinluhana.com](mailto:Luhana@chaffinluhana.com)>; Michael Sweet <[sweet@chaffinluhana.com](mailto:sweet@chaffinluhana.com)>  
**Cc:** Sarah London <[slondon@lchb.com](mailto:slondon@lchb.com)>; Smith, Kyle <[ksmith@paulweiss.com](mailto:ksmith@paulweiss.com)>; Luskey, Randy <[rlauskey@paulweiss.com](mailto:rlauskey@paulweiss.com)>; Wolf, Marc Price <[mpricewolf@paulweiss.com](mailto:mpricewolf@paulweiss.com)>; Rachel Abrams <[rabrams@peifferwolf.com](mailto:rabrams@peifferwolf.com)>; Meredith Stratigopoulos <[mdrukker@wattsguerra.com](mailto:mdrukker@wattsguerra.com)>; Sara Peters <[speters@walkuplawoffice.com](mailto:speters@walkuplawoffice.com)>; Grusauskas, Caitlin E <[cgrusauskas@paulweiss.com](mailto:cgrusauskas@paulweiss.com)>; Polsky, Alexander B <[apolsky@paulweiss.com](mailto:apolsky@paulweiss.com)>; Keller, Andrea M <[akeller@paulweiss.com](mailto:akeller@paulweiss.com)>; Marlene Goldenberg <[mgoldenberg@nighgoldenbergs.com](mailto:mgoldenberg@nighgoldenbergs.com)>; Bret Stanley <[bstanley@pulaskilawfirm.com](mailto:bstanley@pulaskilawfirm.com)>; Layne Hilton <[lhilton@meyerwilson.com](mailto:lhilton@meyerwilson.com)>  
**Subject:** RE: Uber MDL 3084 - Meet and confers Uber

Counsel,

Thank you for your email. Attached is a draft stipulation extending the deadline line to February 12. We also think that it may be beneficial to agree to extend the 10 page limit, specified in PTO 5, to a 15 page limit, given the length of the draft protocol. Let us know if Plaintiffs are signed off on the draft stipulation; we can file today.

Thank you for the responses clarifying Plaintiffs' view of Rule 26's proportionality standard in the MDL context. We ask that Plaintiffs send us any authority adopting that interpretation.

Separately, are Plaintiffs aware whether the 3M protocol was mutually agreed-upon or was entered

over a party's objection?

Regards,

**Marcelo A. Triana** | Associate

**Paul, Weiss, Rifkind, Wharton & Garrison LLP**

1285 Avenue of the Americas | New York, NY 10019-6064

+1 212 373 3386 (Direct Phone) | +1 212 492 0386 (Direct Fax)

[mtriana@paulweiss.com](mailto:mtriana@paulweiss.com) | [www.paulweiss.com](http://www.paulweiss.com)

Pronouns: He/Him

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**From:** Roopal Luhana <[Luhana@chaffinluhana.com](mailto:Luhana@chaffinluhana.com)>

**Sent:** Wednesday, January 31, 2024 7:38 PM

**To:** Triana, Marcelo <[mtriana@paulweiss.com](mailto:mtriana@paulweiss.com)>; Michael Sweet <[sweet@chaffinluhana.com](mailto:sweet@chaffinluhana.com)>

**Cc:** Sarah London <[sondon@lchb.com](mailto:sondon@lchb.com)>; Smith, Kyle <[ksmith@paulweiss.com](mailto:ksmith@paulweiss.com)>; Luskey, Randy <[rlauskey@paulweiss.com](mailto:rlauskey@paulweiss.com)>; Wolf, Marc Price <[mpricewolf@paulweiss.com](mailto:mpricewolf@paulweiss.com)>; Rachel Abrams <[crabrams@peifferwolf.com](mailto:crabrams@peifferwolf.com)>; Meredith Stratigopoulos <[mdrukker@wattsguerra.com](mailto:mdrukker@wattsguerra.com)>; Sara Peters <[speters@walkuplawoffice.com](mailto:speters@walkuplawoffice.com)>; Grusauskas, Caitlin E <[cgrusauskas@paulweiss.com](mailto:cgrusauskas@paulweiss.com)>; Polsky, Alexander B <[apolsky@paulweiss.com](mailto:apolsky@paulweiss.com)>; Keller, Andrea M <[akeller@paulweiss.com](mailto:akeller@paulweiss.com)>; Marlene Goldenberg <[mgoldenberg@nighgoldenbergs.com](mailto:mgoldenberg@nighgoldenbergs.com)>; Bret Stanley <[bstanley@pulaskilawfirm.com](mailto:bstanley@pulaskilawfirm.com)>; Layne Hilton <[lilton@meyerwilson.com](mailto:lilton@meyerwilson.com)>; Roopal Luhana <[Luhana@chaffinluhana.com](mailto:Luhana@chaffinluhana.com)>

**Subject:** Re: Uber MDL 3084 - Meet and confers Uber

Counsel, thank you for your email and the information. Please see our responses in blue below. We look forward to speaking tomorrow.

Best,  
Roopal

---

**From:** Triana, Marcelo <[mtriana@paulweiss.com](mailto:mtriana@paulweiss.com)>

**Sent:** Tuesday, January 30, 2024 3:02 PM

**To:** Roopal Luhana <[Luhana@chaffinluhana.com](mailto:Luhana@chaffinluhana.com)>; Michael Sweet <[sweet@chaffinluhana.com](mailto:sweet@chaffinluhana.com)>

**Cc:** Sarah London <[sondon@lchb.com](mailto:sondon@lchb.com)>; Smith, Kyle <[ksmith@paulweiss.com](mailto:ksmith@paulweiss.com)>; Luskey, Randy <[rlauskey@paulweiss.com](mailto:rlauskey@paulweiss.com)>; Wolf, Marc Price <[mpricewolf@paulweiss.com](mailto:mpricewolf@paulweiss.com)>; Rachel Abrams <[crabrams@peifferwolf.com](mailto:crabrams@peifferwolf.com)>; Meredith Stratigopoulos <[mdrukker@wattsguerra.com](mailto:mdrukker@wattsguerra.com)>; Sara Peters <[speters@walkuplawoffice.com](mailto:speters@walkuplawoffice.com)>; Grusauskas, Caitlin E <[cgrusauskas@paulweiss.com](mailto:cgrusauskas@paulweiss.com)>; Polsky, Alexander B <[apolsky@paulweiss.com](mailto:apolsky@paulweiss.com)>; Keller, Andrea M <[akeller@paulweiss.com](mailto:akeller@paulweiss.com)>; Marlene Goldenberg <[mgoldenberg@nighgoldenbergs.com](mailto:mgoldenberg@nighgoldenbergs.com)>; Bret Stanley <[bstanley@pulaskilawfirm.com](mailto:bstanley@pulaskilawfirm.com)>; Layne Hilton <[lilton@meyerwilson.com](mailto:lilton@meyerwilson.com)>

**Subject:** RE: Uber MDL 3084 - Meet and confers Uber

Counsel,

Thank you for yesterday's meet and confer regarding the ESI protocol. We look forward to a continuation of our discussion on Thursday, February 1.

First, we'd like to follow up regarding the items we requested from Plaintiffs:

- Please let us know when Plaintiffs anticipate being able to send back a revised draft of the ESI protocol.

**We will send revisions tomorrow morning.**

- Plaintiffs noted they would send us the protocols that have specified in more detail what is to be included in hit reports.

**Hit reports with the level of detail (we have included in the ESI Protocol) are routinely produced in MDLs, e.g., *In Re: Hair Relaxer Marketing, Sales Practices, And Products Liability Litigation*, Case No. 1:23-cv-00818, D.E. 109 (entered May 18, 2023) (N.D.II).**

- Plaintiffs indicated they would send us cases where search terms were not permitted to be used to cull a document set prior to conducting a TAR review.

*In re Allergan Biocell Textured Breast Implant Prod. Liab. Litig.*, No. 2:19-md-2921(BRM)(ESK), 2022 U.S. Dist. LEXIS 200790, 2022 WL 16630821, at \*3 (D.N.J. Oct. 25, 2022)).

- Plaintiffs also indicated they would send examples of cases where the requesting party was permitted to be involved in coding a sample of documents at the outset of the TAR process. And to the extent you have examples where the requesting party was permitted to be involved in reviewing a sample of documents at the validation stage, we would appreciate receiving those as well. We'd also be interested in any sample ESI protocols plaintiffs are relying on for their positions on these, but for any such protocols that you provide, it would be helpful if you could indicate whether the relevant aspect of the protocol was entered over a party's objection, or whether it was mutually agreed.

**We had mentioned 3M on the call as an example where both parties were involved in the review process.**

- As discussed during the meet and confer, we request Plaintiffs send us authority supporting their position that the proportionality standard under FRCP 26 is somehow relaxed, or otherwise different, in the MDL context because there are "more cases" or "more plaintiffs." Plaintiffs indicated that they may not be able to do so by today, which we understand, but we would appreciate seeing the basis for that assertion of law as soon as plaintiffs are able to provide it.

I believe there is a disconnect here as I did not state that there is a "relaxed" standard. The FRCP 26 proportionality standard requires a consideration of numerous factors including the amount in controversy and whether the burden or expense outweighs the benefit. This analysis necessarily requires considering, *inter alia*, the size of the litigation and the number of plaintiffs in the litigation; this MDL includes hundreds and potentially thousands of plaintiffs.

- Please also let us know whether Plaintiffs agree to an extension of the February 4, 2024 deadline to file a protocol with the Court. As discussed, while we appreciate the need to move expeditiously, we have only had about 1.5 hours' worth of discussion on a 36-page protocol involving highly complex technical issues, so we believe more time is needed to allow the parties to further explore areas of potential compromise in good faith. Plaintiffs stated that they might be willing to extend by one week but would get back to us.

We are amenable to an extension until Feb. 12 which will certainly give the parties enough time to work through the critical issues.

Second, we're following up with responses to certain questions that plaintiffs posed to us.

### **Preservation of Google Drive Documents**

As we noted in prior letters, and during the parties' meet and confer on January 29, Uber has no policy that would result in the periodic or automatic deletion of Google Drive documents. When Uber institutes a legal hold for a custodian's files, that custodian's Google Drive account is also placed on hold. As a result, the Drive documents for that custodian will be archived or preserved in Google Vault. Even if an employee attempted to delete a document, that document will be preserved in Vault.

Plaintiffs asked whether Drive keeps a log or record of the revision history of a document. Our understanding is that Drive does keep the "version history" of a document, which records the changes or revisions to a document over time. As discussed, those "versions" are not user-created; Drive will save or record these revisions at arbitrary points in time. The so-called "version history" of a document is tied to the document itself, and all history and prior revisions are maintained when a hold is placed through Vault.

Plaintiffs also asked whether Uber sends backups of any Drive data to another storage database outside Google. We confirm that all Drive data is stored in the cloud with Google, and backups are not stored elsewhere.

## **Lighthouse Google Parser**

On yesterday's meet and confer, Plaintiffs asked whether Lighthouse could provide a "mock production" using "dummy documents" to demonstrate the produced metadata for documents produced using Lighthouse's Google Parser tool, which we have discussed on both our meet and confers (and which we also discussed in detail on a call among counsel for the JCCP plaintiffs—including Doug Forrest of ILS, the MDL plaintiffs' e-discovery vendor—and representatives from Lighthouse). We are conferring with Lighthouse about this request and will follow up with Plaintiffs once we determine whether it is feasible.

## **Cases Permitting Search Term Layering With TAR**

Below is a list of cases that have permitted the use of search terms to cull documents prior to conducting TAR.

- *Huntsman v. Sw. Airlines Co.*, No. 19-CV-00083-PJH, 2021 WL 3504154, at \*3 (N.D. Cal. Aug. 10, 2021) ("[The defendant's] approach to using keyword searches and technology-assisted review in tandem does not offend the court's expectation that the parties conduct a reasonable inquiry as required by the rules.").
- *Maurer v. Sysco Albany, LLC*, No. 119CV821TJMCFH, 2021 WL 2154144 (N.D.N.Y. May 27, 2021) (finding "reasonable the defendants' proposed use of a general search-term-based search of the custodian accounts . . . to be followed by a second level of review using predictive coding").
- *Livingston v. City of Chicago*, No. 16 CV 10156, 2020 WL 5253848, at \*3 (N.D. Ill. Sept. 3, 2020) (holding that pre-TAR culling with search terms "satisfies the reasonable inquiry standard and is proportional to the needs of this case under the federal rules").
- *In re Biomet M2a Magnum Hip Implant Prod. Liab. Litig.*, No. 3:12-MD-2391, 2013 WL 1729682, at \*2-3 (N.D. Ind. Apr. 18, 2013) (concluding, in an MDL, that use of pre-TAR search term culling was appropriate and satisfied the defendant's discovery obligations under Rule 26 of the Federal Rules of Civil Procedure).

Regards,

**Marcelo A. Triana | Associate**

**Paul, Weiss, Rifkind, Wharton & Garrison LLP**

1285 Avenue of the Americas | New York, NY 10019-6064

+1 212 373 3386 (Direct Phone) | +1 212 492 0386 (Direct Fax)

[mtriана@paulweiss.com](mailto:mtriана@paulweiss.com) | [www.paulweiss.com](http://www.paulweiss.com)

Pronouns: He/Him

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**From:** Triana, Marcelo

**Sent:** Wednesday, January 24, 2024 10:42 PM

**To:** Roopal Luhana <[Luhana@chaffinluhana.com](mailto:Luhana@chaffinluhana.com)>; Michael Sweet <[sweet@chaffinluhana.com](mailto:sweet@chaffinluhana.com)>

**Cc:** Sarah London <[slondon@lchb.com](mailto:slondon@lchb.com)>; Smith, Kyle <[KSmith@paulweiss.com](mailto:KSmith@paulweiss.com)>; Luskey, Randy <[RLuskey@paulweiss.com](mailto:RLuskey@paulweiss.com)>; Wolf, Marc Price <[mpricewolf@paulweiss.com](mailto:mpricewolf@paulweiss.com)>; Rachel Abrams <[rabrabs@peifferwolf.com](mailto:rabrabs@peifferwolf.com)>; Meredith Stratigopoulos <[mdrukker@wattsguerra.com](mailto:mdrukker@wattsguerra.com)>; Sara Peters <[speters@walkuplawoffice.com](mailto:speters@walkuplawoffice.com)>; Grusauskas, Caitlin E <[CGrusauskas@paulweiss.com](mailto:CGrusauskas@paulweiss.com)>; Polsky, Alexander B <[apolsky@paulweiss.com](mailto:apolsky@paulweiss.com)>; Keller, Andrea M <[AKeller@paulweiss.com](mailto:AKeller@paulweiss.com)>; Marlene Goldenberg <[mgoldenberg@nighgoldenberg.com](mailto:mgoldenberg@nighgoldenberg.com)>; Bret Stanley <[bstanley@pulaskilawfirm.com](mailto:bstanley@pulaskilawfirm.com)>; Layne Hilton <[lilton@meyerwilson.com](mailto:lilton@meyerwilson.com)>

**Subject:** RE: Uber MDL 3084 - Meet and confers Uber

Thank you for your response.

Just to clarify regarding the JCCP protocol, the reason we mention it is because our experience negotiating that protocol informs our view that these issues are complicated and require extensive discussions between the parties and consultation with subject matter experts. The fact that the MDL Plaintiffs have “significant differences” with the working JCCP draft only underscores that complexity, and the general remarks you made previously were, of course, appreciably different from reviewing the MDL Plaintiffs’ specific proposals in a 36-page protocol. We also believe we should be leveraging and building on the substantial work and progress made between the parties in the JCCP on these issues, rather than simply setting it aside and starting over.

We can meet and confer tomorrow at 4:30pm Eastern. Attached is our proposed markup of the protocol. We may have additional changes to the “Metadata Fields” provision in Appendix 1, which we are still reviewing.

Regards,

**Marcelo A. Triana | Associate**  
**Paul, Weiss, Rifkind, Wharton & Garrison LLP**  
1285 Avenue of the Americas | New York, NY 10019-6064  
+1 212 373 3386 (Direct Phone) | +1 212 492 0386 (Direct Fax)  
[mtriана@paulweiss.com](mailto:mtriана@paulweiss.com) | [www.paulweiss.com](http://www.paulweiss.com)  
*Pronouns: He/Him*

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**From:** Roopal Luhana <[Luhana@chaffinluhana.com](mailto:Luhana@chaffinluhana.com)>  
**Sent:** Wednesday, January 24, 2024 4:58 PM  
**To:** Triana, Marcelo <[mtriана@paulweiss.com](mailto:mtriана@paulweiss.com)>; Michael Sweet <[sweet@chaffinluhana.com](mailto:sweet@chaffinluhana.com)>  
**Cc:** Sarah London <[slondon@lchb.com](mailto:slondon@lchb.com)>; Smith, Kyle <[ksmith@paulweiss.com](mailto:ksmith@paulweiss.com)>; Luskey, Randy <[rluskey@paulweiss.com](mailto:rluskey@paulweiss.com)>; Wolf, Marc Price <[mpricewolf@paulweiss.com](mailto:mpricewolf@paulweiss.com)>; Rachel Abrams <[rabrams@peifferwolf.com](mailto:rabrams@peifferwolf.com)>; Meredith Stratigopoulos <[mdrukker@wattsguerra.com](mailto:mdrukker@wattsguerra.com)>; Sara Peters <[speters@walkuplawoffice.com](mailto:speters@walkuplawoffice.com)>; Grusauskas, Caitlin E <[cgrusauskas@paulweiss.com](mailto:cgrusauskas@paulweiss.com)>; Polsky, Alexander B <[apolsky@paulweiss.com](mailto:apolsky@paulweiss.com)>; Keller, Andrea M <[akeller@paulweiss.com](mailto:akeller@paulweiss.com)>; Roopal Luhana <[Luhana@chaffinluhana.com](mailto:Luhana@chaffinluhana.com)>; Marlene Goldenberg <[mgoldenberg@nighgoldenberglaw.com](mailto:mgoldenberg@nighgoldenberglaw.com)>; Bret Stanley <[bstanley@pulaskilawfirm.com](mailto:bstanley@pulaskilawfirm.com)>; Layne Hilton <[lhilton@meyerwilson.com](mailto:lhilton@meyerwilson.com)>  
**Subject:** Re: Uber MDL 3084 - Meet and confers Uber

Thank you for your email. We believe it would be best to aim for 4:30pm EST tomorrow so we have time to review your comments to our draft beforehand to have a productive conversation. We look forward to receiving your comments later today or tomorrow in advance of the call.

While we agree these issues are complex, we don't understand why you're raising the length of the negotiations with the JCCP on the ESI Protocol with us. You may be aware, but at the outset of the MDL when discussions arose about the ESI Protocol, I firmly represented to Kyle and others that we were concerned with the proposed version of the JCCP ESI Protocol and would have significant differences. We worked to ensure that we'd get you a comprehensive draft of the ESI Protocol by Jan. 17 and represented the same to the Court. We're happy we were able to comply with that deadline.

If the proposed time does not work for you, please let us know any alternative times.

However, as stated above, it would be best to meet once we see a draft we can analyze.

Best,  
Roopal

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**From:** Triana, Marcelo <[mtriana@paulweiss.com](mailto:mtriana@paulweiss.com)>  
**Sent:** Wednesday, January 24, 2024 1:22 PM  
**To:** Michael Sweet <[sweet@chaffinluhana.com](mailto:sweet@chaffinluhana.com)>  
**Cc:** Sarah London <[slondon@lchb.com](mailto:slondon@lchb.com)>; Smith, Kyle <[ksmith@paulweiss.com](mailto:ksmith@paulweiss.com)>; Luskey, Randy <[rluskey@paulweiss.com](mailto:rluskey@paulweiss.com)>; Wolf, Marc Price <[mpricewolf@paulweiss.com](mailto:mpricewolf@paulweiss.com)>; Rachel Abrams <[rabrams@peifferwolf.com](mailto:rabrams@peifferwolf.com)>; Meredith Stratigopoulos <[mdrukker@wattsguerra.com](mailto:mdrukker@wattsguerra.com)>; Sara Peters <[speters@walkuplawoffice.com](mailto:speters@walkuplawoffice.com)>; Grusauskas, Caitlin E <[cgrusauskas@paulweiss.com](mailto:cgrusauskas@paulweiss.com)>; Polsky, Alexander B <[apolsky@paulweiss.com](mailto:apolsky@paulweiss.com)>; Keller, Andrea M <[akeller@paulweiss.com](mailto:akeller@paulweiss.com)>; Roopal Luhana <[Luhana@chaffinluhana.com](mailto:Luhana@chaffinluhana.com)>  
**Subject:** RE: Uber MDL 3084 - Meet and confers Uber

Counsel,

Thank you again for sending your draft protocol. We are still reviewing the MDL Plaintiffs' proposed protocol with Uber, and aim to send a markup back to the MDL Plaintiffs soon—ideally tomorrow. We understand the desire to move quickly here and certainly are not trying to hold up the process, but, in recognition of the complexity of the issues based on our experience in the JCCP, we had requested Plaintiffs' proposed protocol before January 17, and we did not receive it until late on the 17th. And as it turned out, Plaintiffs' draft is materially different in several respects from the draft protocol that we have been negotiating extensively with the JCCP Plaintiffs for more than a year. As a result, review of the MDL Plaintiffs' proposed protocol is requiring additional time and attention to analyze it in good faith with the help of our e-discovery experts.

Nevertheless, we believe it would be beneficial if the parties had an initial meet and confer on overarching issues related to the MDL Plaintiffs' proposals on the use of technology assisted review (TAR) and the Google Parser tool from Uber's e-discovery vendor, Lighthouse. We are available for such a call today for 30 minutes at 2:15 ET or 4:15 ET, and we also have availability tomorrow afternoon (Eastern time) if that is preferred. If we speak tomorrow, we might also be able to provide our comments on the draft in advance—we are trying to move as quickly as we can under the circumstances.

Regards,

Marcelo

**Marcelo A. Triana | Associate**

**Paul, Weiss, Rifkind, Wharton & Garrison LLP**

1285 Avenue of the Americas | New York, NY 10019-6064

+1 212 373 3386 (Direct Phone) | +1 212 492 0386 (Direct Fax)

[mtriana@paulweiss.com](mailto:mtriana@paulweiss.com) | [www.paulweiss.com](http://www.paulweiss.com)

Pronouns: He/Him

---

**From:** Michael Sweet <[sweet@chaffinluhana.com](mailto:sweet@chaffinluhana.com)>

**Sent:** Wednesday, January 24, 2024 10:19 AM

**To:** Triana, Marcelo <[mtriana@paulweiss.com](mailto:mtriana@paulweiss.com)>

**Cc:** Sarah London <[slondon@lchb.com](mailto:slondon@lchb.com)>; Smith, Kyle <[ksmith@paulweiss.com](mailto:ksmith@paulweiss.com)>;

Luskey, Randy <[rlauskey@paulweiss.com](mailto:rlauskey@paulweiss.com)>; Wolf, Marc Price

<[mpricewolf@paulweiss.com](mailto:mpricewolf@paulweiss.com)>; Rachel Abrams <[rabrams@peifferwolf.com](mailto:rabrams@peifferwolf.com)>;

Meredith Stratigopoulos <[mdrukker@wattsguerra.com](mailto:mdrukker@wattsguerra.com)>; Sara Peters

<[speters@walkuplawoffice.com](mailto:speters@walkuplawoffice.com)>; Grusauskas, Caitlin E

<[cgrusauskas@paulweiss.com](mailto:cgrusauskas@paulweiss.com)>; Polsky, Alexander B <[apolsky@paulweiss.com](mailto:apolsky@paulweiss.com)>;

Keller, Andrea M <[akeller@paulweiss.com](mailto:akeller@paulweiss.com)>; Roopal Luhana

<[Luhana@chaffinluhana.com](mailto:Luhana@chaffinluhana.com)>

**Subject:** Re: Uber MDL 3084 - Meet and confers Uber

Counsel,

I am following up on my email providing our draft ESI Protocol and to see when we can expect comments back, as well as to meet and confer on any issues. With respect to concerns over timing, it has been almost a week and we have not received any redlines or comments back to what we circulated. Would it be possible to receive comments or redlines back before the end of the week?

Thank you.

---

Michael

**From:** Michael Sweet <[sweet@chaffinluhana.com](mailto:sweet@chaffinluhana.com)>  
**Sent:** Wednesday, January 17, 2024 11:05 PM  
**To:** Roopal Luhana <[Luhana@chaffinluhana.com](mailto:Luhana@chaffinluhana.com)>; Triana, Marcelo <[mtriana@paulweiss.com](mailto:mtriana@paulweiss.com)>  
**Cc:** Sarah London <[slondon@lchb.com](mailto:slondon@lchb.com)>; Smith, Kyle <[ksmith@paulweiss.com](mailto:ksmith@paulweiss.com)>; [rhuskey@paulweiss.com](mailto:rhuskey@paulweiss.com) <[rhuskey@paulweiss.com](mailto:rhuskey@paulweiss.com)>; Wolf, Marc Price <[mpricewolf@paulweiss.com](mailto:mpricewolf@paulweiss.com)>; Rachel Abrams <[rabrams@peifferwolf.com](mailto:rabrams@peifferwolf.com)>; Meredith Stratigopoulos <[mdrukker@wattsguerra.com](mailto:mdrukker@wattsguerra.com)>; Sara Peters <[speters@walkuplawoffice.com](mailto:speters@walkuplawoffice.com)>; Grusauskas, Caitlin E <[cgrausauskas@paulweiss.com](mailto:cgrausauskas@paulweiss.com)>; Polsky, Alexander B <[apolsky@paulweiss.com](mailto:apolsky@paulweiss.com)>; Keller, Andrea M <[akeller@paulweiss.com](mailto:akeller@paulweiss.com)>  
**Subject:** Re: Uber MDL 3084 - Meet and confers Uber

Counsel,

Attached please find our draft ESI Protocol.

Thank you.

Michael

---

**From:** Roopal Luhana <[Luhana@chaffinluhana.com](mailto:Luhana@chaffinluhana.com)>  
**Sent:** Wednesday, January 17, 2024 8:31 PM  
**To:** Triana, Marcelo <[mtriana@paulweiss.com](mailto:mtriana@paulweiss.com)>  
**Cc:** Sarah London <[slondon@lchb.com](mailto:slondon@lchb.com)>; Smith, Kyle <[ksmith@paulweiss.com](mailto:ksmith@paulweiss.com)>; [rhuskey@paulweiss.com](mailto:rhuskey@paulweiss.com) <[rhuskey@paulweiss.com](mailto:rhuskey@paulweiss.com)>; Wolf, Marc Price <[mpricewolf@paulweiss.com](mailto:mpricewolf@paulweiss.com)>; Rachel Abrams <[rabrams@peifferwolf.com](mailto:rabrams@peifferwolf.com)>; Meredith Stratigopoulos <[mdrukker@wattsguerra.com](mailto:mdrukker@wattsguerra.com)>; Sara Peters <[speters@walkuplawoffice.com](mailto:speters@walkuplawoffice.com)>; Grusauskas, Caitlin E <[cgrausauskas@paulweiss.com](mailto:cgrausauskas@paulweiss.com)>; Polsky, Alexander B <[apolsky@paulweiss.com](mailto:apolsky@paulweiss.com)>; Keller, Andrea M <[akeller@paulweiss.com](mailto:akeller@paulweiss.com)>; Michael Sweet <[sweet@chaffinluhana.com](mailto:sweet@chaffinluhana.com)>; Roopal Luhana <[Luhana@chaffinluhana.com](mailto:Luhana@chaffinluhana.com)>  
**Subject:** Re: Uber MDL 3084 - Meet and confers Uber

Counsel, we will circulate our draft ESI Protocol shortly; adding Michael here who will send. We're still working through the draft and it is being produced with the same caveats as with other drafts, we reserve all rights to edit or change our minds.

Look forward to seeing everyone this Friday.

Best,  
Roopal

---

**From:** Roopal Luhana  
**Sent:** Tuesday, January 16, 2024 1:40 PM  
**To:** Triana, Marcelo <[mtriana@paulweiss.com](mailto:mtriana@paulweiss.com)>  
**Cc:** Sarah London <[slondon@lchb.com](mailto:slondon@lchb.com)>; Smith, Kyle <[ksmith@paulweiss.com](mailto:ksmith@paulweiss.com)>; Luskey, Randy <[rluskey@paulweiss.com](mailto:rluskey@paulweiss.com)>; Wolf, Marc Price <[mpricewolf@paulweiss.com](mailto:mpricewolf@paulweiss.com)>; Rachel Abrams <[rabrams@peifferwolf.com](mailto:rabrams@peifferwolf.com)>; Meredith Stratigopoulos <[mdrukker@wattsguerra.com](mailto:mdrukker@wattsguerra.com)>; Sara Peters <[speters@walkuplawoffice.com](mailto:speters@walkuplawoffice.com)>; Grusauskas, Caitlin E <[cgrusauskas@paulweiss.com](mailto:cgrusauskas@paulweiss.com)>; Polsky, Alexander B <[apolsky@paulweiss.com](mailto:apolsky@paulweiss.com)>; Keller, Andrea M <[akeller@paulweiss.com](mailto:akeller@paulweiss.com)>; Roopal Luhana <[Luhana@chaffinluhana.com](mailto:Luhana@chaffinluhana.com)>  
**Subject:** Re: Uber MDL 3084 - Meet and confers Uber

Marcelo, we intend to circulate a comprehensive draft ESI Protocol tomorrow but it will likely be later in the day.

We believe the 2 weeks we have will be sufficient for us to negotiate to reach an agreement. Thanks.

Best,

Roopal

On Jan 16, 2024, at 2:05 PM, Triana, Marcelo <[mtriana@paulweiss.com](mailto:mtriana@paulweiss.com)> wrote:

Sarah,

We're following up on our last email about Plaintiffs' proposed ESI protocol. Could you confirm whether Plaintiffs still anticipate sending us their proposed draft ESI protocol tomorrow, January 17, and confirm that the proposed draft will be a comprehensive protocol? Given the deadline to meet and confer on January 24, and the February 4 deadline to file joint or competing proposals with the court, we had hoped to receive it sooner, though we will review as quickly as we are able.

Regards,

**Marcelo A. Triana** | Associate  
**Paul, Weiss, Rifkind, Wharton & Garrison LLP**  
1285 Avenue of the Americas | New York, NY 10019-6064  
+1 212 373 3386 (Direct Phone) | +1 212 492 0386 (Direct Fax)  
[mtriana@paulweiss.com](mailto:mtriana@paulweiss.com) | [www.paulweiss.com](http://www.paulweiss.com)  
*Pronouns: He/Him*

---

**From:** Triana, Marcelo  
**Sent:** Tuesday, January 9, 2024 11:57 PM  
**To:** 'London, Sarah R.' <[slondon@lchb.com](mailto:slondon@lchb.com)>; Keller, Andrea M <[AKeller@paulweiss.com](mailto:AKeller@paulweiss.com)>  
**Cc:** Smith, Kyle <[KSmith@paulweiss.com](mailto:KSmith@paulweiss.com)>; Luskey, Randy <[RLuskey@paulweiss.com](mailto:RLuskey@paulweiss.com)>; Wolf, Marc Price <[mpricewolf@paulweiss.com](mailto:mpricewolf@paulweiss.com)>; Rachel Abrams <[rabrams@peifferwolf.com](mailto:rabrams@peifferwolf.com)>; Roopal Luhana <[Luhana@chaffinluhana.com](mailto:Luhana@chaffinluhana.com)>; Meredith Stratigopoulos <[mdrukker@wattsguerra.com](mailto:mdrukker@wattsguerra.com)>; 'Sara Peters' <[speters@WalkupLawOffice.com](mailto:speters@WalkupLawOffice.com)>; Grusauskas, Caitlin E <[CGrusauskas@paulweiss.com](mailto:CGrusauskas@paulweiss.com)>; Polsky, Alexander B <[apolsky@paulweiss.com](mailto:apolsky@paulweiss.com)>  
**Subject:** RE: Uber MDL 3084 - Meet and confers Uber

Sarah,

We want to clarify a note in Plaintiffs' draft CMCS that states Plaintiffs "aim to share a draft [ESI] proposal . . . no later than January 17, 2024." Do plaintiffs intend to send a draft ESI protocol or some other form of proposal? We think it would be most productive to meet and confer on issues of ESI and custodial sources after we receive and review Plaintiffs' proposal, and we also want to ensure sufficient time to review your proposal and sufficient time to meet and confer thereafter. Would it be possible for plaintiffs to send us the proposal sooner than January 17?

Regards,

Marcelo

Marcelo A. Triana | Associate

Paul, Weiss, Rifkind, Wharton & Garrison LLP

1285 Avenue of the Americas | New York, NY 10019-6064

+1 212 373 3386 (Direct Phone) | +1 212 492 0386 (Direct Fax)

[mtriana@paulweiss.com](mailto:mtriana@paulweiss.com) | <http://www.paulweiss.com>

Pronouns: He/Him

-----Original Message-----

From: London, Sarah R. <[slondon@lchb.com](mailto:slondon@lchb.com)>  
Sent: Tuesday, January 9, 2024 3:39 PM  
To: Keller, Andrea M <[akeller@paulweiss.com](mailto:akeller@paulweiss.com)>  
Cc: Smith, Kyle <[ksmith@paulweiss.com](mailto:ksmith@paulweiss.com)>; Luskey, Randy <[rlauskey@paulweiss.com](mailto:rlauskey@paulweiss.com)>; Wolf, Marc Price <[mpricewolf@paulweiss.com](mailto:mpricewolf@paulweiss.com)>; Rachel Abrams <[rabrams@peifferwolf.com](mailto:rabrams@peifferwolf.com)>; Roopal Luhana <[Luhana@chaffinluhana.com](mailto:Luhana@chaffinluhana.com)>; Meredith Stratigopoulos <[mdrukker@wattsguerra.com](mailto:mdrukker@wattsguerra.com)>; 'Sara Peters' <[speters@WalkupLawOffice.com](mailto:speters@WalkupLawOffice.com)>

Subject: RE: [EXT] RE: Meet and confers Uber

Thanks Andrea.

Let's go ahead and pencil in these dates and times. Will follow up if we need to adjust.

Attached for discussion are several items, with a few more to follow. The PFS and DFS documents need to be formatted and cleaned up before implementation but sending now because I anticipate you and your client needing some time to digest.

1. Proposed DRAFT PFS. We are continuing to work on this on our end and we flagged areas we would like to discuss while we continue to consider our position on them. We rearranged some questions for flow, added some additional questions, and proposed removing others based on duplication with the initial ride information/receipt forms.
2. Proposed DRAFT DFS. We clarified some questions and added a few additional questions/requests based on information learned since the JCCP DFS was created.
3. Brown Greer proposal and proposed order (we didn't edit this yet, it just came directly from them). We would like to onboard them quickly to handle PTO 5 service of ride receipts/ride information. Feel free to reach out to Jake Woody to get a demo and discuss any concerns you have.

I am including in this chain our Case-specific committee chairs who will be involved in these discussions, Sara and Meredith.

Sarah R. London

Tel: 415.956.1000

Fax: 415.956.1008

[slondon@lchb.com](mailto:slondon@lchb.com)

Lieff, Cabraser, Heimann & Bernstein, LLP

275 Battery Street, 29th Floor

San Francisco, CA 94111-3339

[https://urldefense.com/v3/\\_http://www.lieffcabraser.com\\_\\_;!JqX-yBvFPUQ!kcK-qfNLsOybiBA13Bxq4T\\_ohT\\_CrfK2BFnBBczVSiWes-56nRrYLdotQ\\_1usMZy2kwfCOOjub2P5kw\\$](https://urldefense.com/v3/_http://www.lieffcabraser.com__;!JqX-yBvFPUQ!kcK-qfNLsOybiBA13Bxq4T_ohT_CrfK2BFnBBczVSiWes-56nRrYLdotQ_1usMZy2kwfCOOjub2P5kw$)

-----Original Message-----

From: Keller, Andrea M <[akeller@paulweiss.com](mailto:akeller@paulweiss.com)>

Sent: Tuesday, January 9, 2024 11:01 AM

To: London, Sarah R. <[slondon@lchb.com](mailto:slondon@lchb.com)>

Cc: Smith, Kyle <[ksmith@paulweiss.com](mailto:ksmith@paulweiss.com)>; Luskey, Randy <[rlauskey@paulweiss.com](mailto:rlauskey@paulweiss.com)>; Wolf, Marc Price <[mpricewolf@paulweiss.com](mailto:mpricewolf@paulweiss.com)>; Rachel Abrams <[rabrams@peifferwolf.com](mailto:rabrams@peifferwolf.com)>; Roopal Luhana <[Luhana@chaffinluhana.com](mailto:Luhana@chaffinluhana.com)>

Subject: RE: [EXT] RE: Meet and confers Uber

Hi Sarah,

We are available to meet and confer as follows:

1. On privilege logging, we can meet tomorrow at 1pm ET.
2. On plaintiff related discovery and the CMC agenda, we can meet Thursday at 2pm ET.

With apologies, we will follow up with proposed times for the custodial and non-custodial sources and the ESI protocol meet and confers later today.

On the Brown Greer proposal, you can just send it around in this chain when you receive it.

Thank you!

Andrea Keller | Associate

Paul, Weiss, Rifkind, Wharton & Garrison LLP

1285 Avenue of the Americas | New York, NY 10019-6064

+1 212 373 3876 (Direct Phone) | +1 212 492 0876 (Direct Fax)

[akeller@paulweiss.com](mailto:akeller@paulweiss.com) | <http://www.paulweiss.com>

Pronouns: She/Her

-----Original Message-----

From: London, Sarah R. <[slondon@lchb.com](mailto:slondon@lchb.com)>

Sent: Monday, January 8, 2024 6:19 PM

To: Keller, Andrea M <[akeller@paulweiss.com](mailto:akeller@paulweiss.com)>

Cc: Smith, Kyle <[ksmith@paulweiss.com](mailto:ksmith@paulweiss.com)>; Luskey, Randy <[rlauskey@paulweiss.com](mailto:rlauskey@paulweiss.com)>; Wolf, Marc Price <[mpricewolf@paulweiss.com](mailto:mpricewolf@paulweiss.com)>; Rachel Abrams <[rabrams@peifferwolf.com](mailto:rabrams@peifferwolf.com)>; Roopal Luhana <[Luhana@chaffinluhana.com](mailto:Luhana@chaffinluhana.com)>

Subject: Re: [EXT] RE: Meet and confers Uber

Following up on this.

Also we are looking at engaging Brown Greer to assist with plaintiff-specific discovery. They will send us a proposal to review tomorrow. Who is the best person on your side to discuss?

> On Jan 8, 2024, at 9:30 AM, London, Sarah R. <[slondon@lchb.com](mailto:slondon@lchb.com)> wrote:

>

> These seem like the topics to focus on this week. We had agreed to address the privilege log order at the January CMC. Those who were working on the PO should be up to speed. Please send dates and times asap, and given the quick turnaround, if you have any drafts of what you're envisioning for case-specific discovery other than the JCCP PFS/DFS.

>

>> On Jan 8, 2024, at 7:05 AM, Keller, Andrea M

<[akeller@paulweiss.com](mailto:akeller@paulweiss.com)> wrote:

>>

>> Hi Sarah,

>>

>> Thank you for your email. Does the below list encompass all of the items that you think we should discuss this upcoming week? We added the last item.

>>

>> (1) Plaintiff related discovery

>> (2) ESI productions and protocol

>> (3) Privilege logging

>> (4) 1/19 conference agenda (due 1/15)

>>

>> As you know, on our end, we have different people handling different topics, so once we have a complete list of topics, then we can propose time slots that we are available to meet and confer on each topic.

>>

>> If you could also please provide us with a bit more information regarding what you want to discuss related to "privilege logging" that would be helpful.

>>

>> Thanks!

>>

>> Andrea Keller | Associate

>> Paul, Weiss, Rifkind, Wharton & Garrison LLP

>> 1285 Avenue of the Americas | New York, NY 10019-6064

>> +1 212 373 3876 (Direct Phone) | +1 212 492 0876 (Direct Fax)

>> [akeller@paulweiss.com](mailto:akeller@paulweiss.com) | <http://www.paulweiss.com>

>> Pronouns: She/Her

>>

>> -----Original Message-----

>> From: London, Sarah R. <[slondon@lchb.com](mailto:slondon@lchb.com)>

>> Sent: Friday, January 5, 2024 3:45 PM

>> To: Smith, Kyle <[ksmith@paulweiss.com](mailto:ksmith@paulweiss.com)>; Luskey, Randy  
<[rlauskey@paulweiss.com](mailto:rlauskey@paulweiss.com)>; Wolf, Marc Price  
<[mpricewolf@paulweiss.com](mailto:mpricewolf@paulweiss.com)>; Rachel Abrams  
<[rabrams@peifferwolf.com](mailto:rabrams@peifferwolf.com)>; Roopal Luhana  
<[Luhana@chaffinluhana.com](mailto:Luhana@chaffinluhana.com)>; Keller, Andrea M  
<[akeller@paulweiss.com](mailto:akeller@paulweiss.com)>

>> Subject: Meet and confers Uber

>>

>> Hi all, we have a number of issues to discuss including plaintiff discovery, ESI and privilege logging. Can you share some windows you are available next week Monday and Tuesday? Thanks.

>>

>>

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and delete the message and any attachments. Thank you.

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# Attachment to February 6, 2024 Email

**From:** [Grusauskas, Caitlin E](#)  
**To:** [David Grimes](#); [Brian Abramson](#); [Ride Share Firms](#); [Angela Nehmens](#); [Samira Bokaie](#); [Celine Cutter](#)  
**Cc:** [Smith, Kyle](#); [Triana, Marcelo](#)  
**Subject:** ESI Protocol -- Google Drive Links  
**Date:** Tuesday, December 5, 2023 7:47:27 PM

---

All,

As discussed during last week's meet and confer calls, we are providing a written description of the custom-developed process that Uber's e-discovery vendor, Lighthouse (LH), has used, and intends to use here, to resolve the technical challenge of linking Google Drive documents to Gmail mail items containing hyperlinks to such documents. This process has been developed over time and has been used successfully on multiple projects. We believe this process is superior to Metaspike's tool, which would exclude Vault items, while Uber's established process would include them. Metaspike has confirmed to us directly that their software, Forensic Email Collector (FEC), cannot in fact access items stored in Vault. This is a primary concern due to Uber's retention policy, which automatically removes content from "live" mailboxes and places them into Vault after 24 months. (See UBER000000307, Anderson Ex. 6, at Section I.) This effectively means a large swath of content would be invisible to FEC for collection. As for the proposal for moving documents out of Vault and back into the "live" mailbox, Google documentation [explicitly states](#) Vault data cannot be directly restored to the Gmail account.

The established process works by ingesting all collected Gmail and Google Drive data into the LH processing tool. At this point, the email text is scanned for the Google Drive link information via a custom-built application within the industry standard processing platform, Nuix. The link relationships are identified at time of processing in Nuix using the custom tool which parses Google Drive Doc IDs from link URLs. Once the data is loaded to Relativity, scripts are used to identify where those Google Drive Doc IDs are present within the metadata for Drive documents, which establishes the connection between the URL/Source document and the linked Drive document. Within the Relativity platform, these relationships between the email items and linked Drive documents are stored in a custom object which allow these documents to be coded and produced cohesively using the LinkBegbates and LinkSourceBates fields—we can add these fields to Attachment A to our ESI Protocol. Each email can be associated with multiple Drive documents, and conversely, a Drive document can be associated with multiple emails. It should be noted that this custom process only addresses Google Drive data, and not other types of cloud-based linked documents. We also note that Metaspike's documentation indicates that FEC only collects Google Drive documents as well. We had previously suggested setting up a joint call with Metaspike to discuss the tool in more depth. We inquired about their availability, but they told us they are not willing to convene a joint call. They did say, however, that you can feel free to email them at [hello@metaspike.com](mailto:hello@metaspike.com) and seek information about the software's capabilities.

Best,

Caitlin

**Caitlin E. Grusauskas | Counsel**

**Paul, Weiss, Rifkind, Wharton & Garrison LLP**

1285 Avenue of the Americas | New York, NY 10019-6064  
+1 212 373 3573 (Direct Phone) | +1 212 492 0573 (Direct Fax)  
[cgrusauskas@paulweiss.com](mailto:cgrusauskas@paulweiss.com) | [www.paulweiss.com](http://www.paulweiss.com)

*Pronouns: She/Her*